

LIBELED: 5-8-62, E. Dist. Pa.

CHARGE: 403(f)—when shipped, the information required under 403 (e) (1), (i) (2), and (k), to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, the common or usual name of each ingredient, and the declaration of artificial flavoring and coloring, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 8-1-62. Default—delivered to charitable institutions.

28234. Mint lozenges. (F.D.C. No. 46432. S. No. 96-558 R.)

QUANTITY: 224 cases, each containing 24 bags, at Philadelphia, Pa.

SHIPPED: Between 7-21-61 and 8-18-61, from Skokie, Ill., by Farley Candy Co.

LABEL IN PART: (Bag) "Farley's Mint Lozenges Made by Farley Candy Co., Skokie, Ill. * * * 11 Oz. Net Wt."

RESULTS OF INVESTIGATION: Examination showed the article to be white candy mints in clear plastic bags. The mandatory information was printed in white ink and was inconspicuous against the white candy in the background.

LIBELED: 8-31-61, E. Dist. Pa.; amended libel 9-11-61.

CHARGE: 403(f)—when shipped, the information required under 403 (e) (1), (e) (2), and (i) (2), to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, the quantity of contents, and ingredient statements, was not prominently placed thereon with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 1-31-62. Consent—delivered to a charitable institution.

28235. Nougat candy. (F.D.C. No. 47576. S. No. 56-081 T.)

QUANTITY: 38 ctns., 24 pkgs. each, of 6 boxes each, at Newark, N.J.

SHIPPED: 3-12-62 and 4-5-62, from New York, N.Y., by Ferrara Confectionery Co.

LABEL IN PART: (Ctn.) "24 pkgs. 6 units * * * Torone Ferrara Nougat Candy"; (pkg.) "Ferrara Delicious Nougat Candy Ass't Flavors Ingredients * * * Net Weight 3½ Oz. * * * Manufactured by Ferrara Confectionery Co., New York 13, N.Y."; (box) (labeled essentially the same as pkg. label except for quantity of contents statement "Net Weight 14¼ Grams" and name of flavor of candy within the box).

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 5-7-62, Dist. N.J.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents, since the label statement on package of 6 boxes was inaccurate and the label statement of quantity of contents on individual boxes was not expressed in terms of weight generally used by consumers to express quantity of such food.

DISPOSITION: 6-15-62. Default—delivered to charitable institutions.